

REMARKS

Applicant's representative attempted to schedule an interview with Examiner Schillinger to at least discuss the issue of the pending Office Action (030505) not addressing all the claims of the above-referenced application.

Via voice mail on or about July 5, 2005, the Examiner responded requesting that Applicant present such issue in a Response. Furthermore, the Examiner appropriately stated that if all pending claims were not addressed in the pending Office Action, she would issue another **non-final Office Action**.

On August 23, 2004, Applicant timely filed a response to a Final Office Action (mail date of Final Action: March 23, 2004; paper no. 120503). (Please note: during a telephonic conference of January 3, 2005, Examiner Laura Schillinger requested that Applicant **resubmit** this timely-filed Response wherein Applicant resubmitted the timely Response on the same date (January 3, 2005)). This timely-filed Response (first presented on August 23, 2004) included claims 1-7, 51-56, 58-74 and 85-86, and further included added new claims 87-99.

However the pending Office Action (030505) addresses only claims 1-7, 51-56, 58-74 and 86. Consequently, the pending Office Action (030505) fails to address claims 85 and 87-99 pending in the above-referenced application, and therefore, **Applicant respectfully requests that the Examiner issue a new non-final Office Action**.

Applicant respectfully reminds the Examiner that the regulatory mandate of 37 CFR 1.104(b) is that "the examiner's action will be complete as to all matters." MPEP §707.07

(8th ed. revision no. 2). Moreover, regarding claims, "in every Office action, each pending claim should be mentioned by number, and its treatment or status given." MPEP §707.07(i) (8th ed. revision no. 2). Pursuant to this authority, issuance of a new **non-final Office Action is warranted.**

Moreover, Applicant requests that the Examiner issue a new non-final Office Action to provide the opportunity for the Applicant to have a full and fair hearing regarding the claimed subject matter as is Applicant's right. Without claims 85 and 87-99 being addressed, Applicant has not had a full and fair hearing and is unable to respond to the pending Office Action because it is unclear whether the Examiner considers claims 85 and 87-99 as being allowed or rejected. Moreover, the record for appeal is presently incomplete due to the deficiencies of the pending Office Action. For all of these reasons, the issuance of a new non-final Office Action is appropriate and warranted.


Further, Applicant herewith submits a duplicate copy of the Supplemental Information Disclosure Statement and Form PTO-1449 filed in this application on March 18, 2004. No initialed copy of the PTO-1449 has been received back from the Examiner. To the extent that the submitted references listed on the Form PTO-1449 have not already been considered, and the Form PTO-1449 has not been initialed with a copy being returned to Applicant, such examination and initialing are requested at this time, as well as return of a copy of the initialed Form PTO-1449 to the undersigned.

This application is now believed to be in immediate condition for allowance, and action to that end is respectfully requested. If the Examiner's next anticipated action is to

be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview prior to issuance of any such subsequent action.

Respectfully submitted,

Dated: 7-8-05

By: 
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Reg. No. 40,045